



Town of Arlington  
Department of Health and Human Services  
Office of the Board of Health  
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**Board of Health Meeting Minutes  
Wednesday, December 2, 2015  
Ground Floor Conference Room  
Arlington Senior Center  
5:30pm**

*Board Members in Attendance: Dr. Marie Walsh Condon, Mr. Kenneth Kohlberg, Dr. Michael Fitzpatrick*

Staff in Attendance: James Feeney, Health Compliance Officer, Hannah Fast, Public Health Associate, Ivy Laplante, Arlington Youth Health and Safety Coalition Director

Others in Attendance: None

Recording Secretary: Laura Munsey, Health & Human Services Administrative Assistant

**Meeting called to order by Dr. Marie Walsh Condon at 5:33 pm.**

A **Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to approve the October 21, 2015 meeting minutes as submitted.

**Vote:** Motion approved unanimously (3-0)

**Hearing: Keeping of Hens – 18 Brattle Street Apt. # 1**

Mr. Feeney informed the Board that he received an e-mail from applicant Jess Lawrence today stating she would not be able to attend the hearing and to call with any questions. Mr. Feeney discussed the option of tabling the hearing until the next scheduled meeting, which is proposed for February 3<sup>rd</sup>, or proceeding with the hearing as scheduled. The Board discussed that the hearing was advertised for today and would proceed as scheduled.

Mr. Feeney informed the Board an anonymous rodent complaint precipitated a visit to this property on October 14, 2015, at which time Mr. Feeney observed a chicken coop in the yard and made contact with Ms. Lawrence. Mr. Feeney informed Ms. Lawrence that a permit from the Board of Health is required to keep hens in Arlington, and explained the application process. Mr. Feeney explained he followed up with an email reciting the details of the application process and the need to attend a hearing on December 2, 2015.

A Keeping of Hens Site Plan Review Application packet was submitted on November 8, 2015. The Board reviewed and discussed the Keeping of Hens Site Plan Review Application. Mr. Feeney informed the Board that the notification requirement was not met because not all abutters received notification within the required time

frame outlined in the bylaw. Mr. Feeney further stated he informed the applicant he would make an effort to contact the landlords that were not notified within the required time frame via telephone or email in order to provide them an opportunity to comment on the application; however, Ms. Lawrence would need to provide contact information for those landlords who lived out of Town or State. Mr. Feeney stated he was able to connect with two property owners who lived elsewhere in Town, but did not receive the contact information necessary to connect with the other two landlords who lived out of Town. Mr. Feeney also stated that any correspondence received from abutters was supportive of the application, and he received no opposition statements.

Mr. Feeney indicated the coop would need to be moved because it appeared to be placed directly on the property line, in violation of the 6' zoning setback requirement. Also, he recommended requiring a raised sealed composter to replace the current 'open' style composter currently in use.

Mr. Kohlberg inquired as to how long hens have been kept at this property and referenced two documents dated "6-24-15" and signed by Ms. Lawrence that were submitted with the application.

Dr. Walsh-Condon expressed concern that the bylaw requirements have not been sufficiently met.

The Board noted that Ms. Lawrence was aware of the Town's bylaw and had sufficient time to prepare a complete application. The Board also noted she has been in violation of the bylaw for an extended period since she first obtained the chickens. It was referenced that Section 7 of the by-law states "No person shall keep hens within the limits of the Town of Arlington, in any building, or on any premises of which he is the owner, lessee, tenant or occupant without first obtaining an annual permit from the Board of Health."

**A Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to deny the Keeping of Hens Site Plan Review Application submitted for 18 Brattle Street #1 because the notification provisions outlined in Title VIII, Article 8, Section 7 of the Town of Arlington Bylaw have not been sufficiently met.

**Vote:** Motion Approved Unanimously (3 -0)

**A Motion** was made by Dr. Michael Fitzpatrick, which was seconded by Mr. Kenneth Kohlberg, to issue an order to Ms. Lawrence requiring her to remove the hens from the property within 30 days or be subject to a fine of \$20.00 per day thereafter until the order is met, or until the applicant re-applies and receives approval at the Board of Health meeting on February 3<sup>rd</sup>, 2016.

**Vote:** Motion Approved Unanimously (3 -0)

## **Discussion: Draft Regulation Restricting the Sale of Marijuana**

The updated draft Regulation of the Arlington Board of Health Restricting the Sale of Marijuana was presented to the Board for review. It was discussed the Town may not ban dispensaries, but can and has placed limits on what business districts they can operate in. The Board also discussed the potential for a recreational marijuana ballot question in November of 2016.

The Board was informed there have been several inquiries regarding the Town's process for opening a dispensary in Arlington. It was discussed whether or not the Regulation should limit the number of dispensaries granted permits to operate in Arlington. After discussion, it was determined that the Board of Selectmen will make this determination as they will be issuing the letters of support or non-opposition.

The Board then discussed what permit fee would be charged. Mr. Feeney believed an exact fee did not need to be set at this time, and placeholder language referencing a fee could be inserted. This would allow for flexibility should the initial fee need to be changed in the future.

The Board discussed Section D-9 of the draft Regulation, which states "no applicant is permitted to hold a food service permit or common victualler license issued by the Board of Health for on-premises food consumption".

The Board also discussed dispensary hours of operation and agreed 9:00am to 8:00pm was practical.

The Board then discussed the process for tracking medical marijuana transactions at dispensaries. Dr. Walsh believed only a thirty-day supply should be provided at a time, similar to the way controlled substances are dispensed at pharmacies.

A public hearing will be scheduled for February of 2016.

## **Environmental Updates**

- Department staff collected used sharps from residents at the November 14, 2015 Community Collection Day. Sharps collection offerings will be increased from 2 to 4 times per year in 2016 based on community demand.
- Highly Pathogenic Avian Influenza has affected many poultry flocks in the U.S., and there is growing concern about it spreading to the East Coast in the future. At this time, the virus does not affect humans, but it could potentially reach backyard chick flocks in Arlington. In the case it does, entire flocks will need to be de-populated. Guidance documents are being sent to all permitted henkeepers.
- A site walk at Tetragenetics Inc., 91 Mystic St., is scheduled for Wednesday December 9, 2015 at 9:00 am. Director Bongiorno, Inspector Feeney, and members of Arlington Police and Fire Departments will be attending. Members of the Board of Health were invited to attend.

### **Restaurant Updates**

- Scoop & Scootery, 112 Mass Avenue – Application for new establishment received.
- Villa House of Pizza, 1367 Mass Ave – Application for change of ownership received

### **Public Health Nurse Updates**

- The Department is planning additional flu clinics with the remaining vaccine, including a clinic for Town employees.

### **Public Comment**

None

### **Other:**

The 2016 draft Board of Health meeting schedule was presented for review and discussion. There were no scheduling conflicts and the Board agreed on the meeting schedule as proposed.

February 3, 2016

April 6, 2016

May 18, 2016

June 22, 2016

September 14, 2016

October 19, 2016

December 7, 2016

**Meeting was adjourned at 6:33 pm.**